

# Fax

To:	Uspo . : OFFIC OF Petitioners	From:	motishai
Fax:	1571-273-8300	Date:	August 5, 2006
Phone:	571-27223231	Pages:	3
Re:	Ap. #10/774,080	cc:	Douglas Wood

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

2006.08.04

In re Application of  
Moti Shai  
Application No. 10/774,080  
Filed: 9<sup>th</sup> of February 2004  
For: Laser Beam Toy and Mouse

### **STATEMENT OF FACTS**

Moti Shai, hereinafter "Petitioner", filed an application on the 9<sup>th</sup> of February 2004. On the 21<sup>st</sup> of July, 2004, Petitioner received a pre-exam formalities notice indicating that his application for patent was insufficient in; the amount of \$10, for a basic filing fee/small entity, unsigned oath and a late filing fee of \$65, as a small entity in compliance with 37 CFR 1.27. Petitioner was required to submit a total of \$75, a new oath with application number and the identity of the citizenship of each inventor.

After Petitioner received the "Pre-Exam Formalities Notice" on July 21<sup>st</sup>, 2004, Petitioner called the mail room for explanation, the advised him to fax his signature, citizenship and status. the didn't tell to Petitioner to write it on declaration part 2 foroom. Petitioner faxed the response. However, Petitioner used the Examiner's "Notice to File Missing Parts of a Non-Provisional Application," with his name, citizenship, application number, and status as the sole inventor, within the 2-month reply period, as a reply form.

On the 13<sup>th</sup> of December 2004, Petitioner received a "Pre-Exam Formalities Notice." Petitioner called and was assured by Ms. Kannan(sic), the mailroom supervisor, that while, the form in which Petitioner submitted his signature, date and citizenship was improper, the response will pass. Petitioner was also reminded that, in the future, all such submissions must be done according to guidelines. Thus, implying that Petitioner can ignore the guidelines on this particular occasion. Ms. Kannan(sic) requested that Petitioner resubmit the declaration, to which Petitioner complied on 27<sup>th</sup> of January 2005, in proper form.

Petitioner contacted the Examiner associated with Petitioner's application to reaffirm what Ms. Kannan(sic) had promised. Each time of contact, once a month, Petitioner was promised that the response was entered, and thus satisfied the "Pre-Exam Formalities Notice."

**AUG 07 2006**

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